



Crl.R.C.No.879 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.Vijayakumar

... Petitioner

Vs.

1.Rajani

2.Sreejith K.K.

3.Shruthi K.K.

... Respondents

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records in Crl.M.P.No.1108 of 2022 on the file of the Judicial Magistrate – I, Alandur and set aside the order dated 13.06.2022 and consequently, direct the Inspector of Police, St.Thomas Mount Police Station to register the crime against the accused as per complaint dated 21.04.2022.

For Petitioner : Mr.G.Sudhagar

For Respondents : No appearance

ORDER

This revision is filed against the order of the Judicial Magistrate – I, Alandur, dated 13.06.2022, in Crl.M.P.No.1108 of 202, in and by which, the prayer of the petitioner to refer the complaint, dated 21.04.2022, to the Inspector of Police, St.Thomas Mount Police Station for investigation is rejected.



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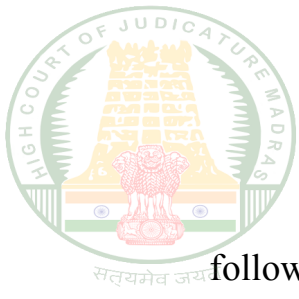
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2.The learned Judicial Magistrate has opined that since the petitioner, as a purchaser, failed to verify the documents at the inception of the transaction itself, belated complaint cannot be entertained and the matter is of civil in nature.

3.However, on a perusal of the complaint and the documents produced by the petitioner, it is clear that the proposed accused represented to be the owner of the property, got an advance amount of Rs.1,35,00,000/- of the total sale consideration of Rs.2,05,00,000/- by representing that they are the owners of the property by a a registered sale deed, dated 26.06.2012 and have also produced a forged and concocted photocopy of the sale deed to the petitioner. However, on subsequent verification, the said Registration number i.e., Document No.2811/2012 is not at all a sale deed, but is a receipt deed executed by third parties and thus, it is clear that the proposed accused by producing forged documents have cheated the complainant. Therefore, I am of the view that the complaint makes out a serious cognizable offence.

4.In that view of the matter, the order of the Judicial Magistrate – I,

Alandur, is unsustainable and this criminal revision is allowed on the



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following terms:

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(i) The order of the Judicial Magistrate – I, Alandur, dated 13.06.2022, in Crl.M.P.No.1108 of 202, is set aside.

(ii) The complaint dated 21.04.2022 is forwarded to the Inspector of Police, S-1 St.Thomas Mount Police Station with a direction to register a case and investigate into the same and file a final report in accordance with law.

08.07.2022

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Index : Yes/No

Internet: Yes/No

Speaking/Non-speaking order

To

- 1.The Judicial Magistrate – I, Alandur
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Inspector of Police,
S-1 St.Thomas Mount Police Station,
Railway Station Road, Southern Railway,
Alandur, Chennai – 600 016.



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D.BHARATHA CHAKRAVARTHY, J.

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